

REMARKS

Claims 19, 20, 22-32 and 34-38 remain pending in the application. Favorable reconsideration of the application is respectfully requested in view of the following.

I. INTERVIEW

Initially, the applicants would like to thank Examiners Khan and Pappas for the courtesies extended to Kerry S. Culpepper, Esq. (Reg. No. 45,672) during the personal interviews of 5 October 2010 and 15 October 2010. During the interview, the parties discussed the following remarks. Accordingly, the present submission should be considered the substance of the interview.

Reconsideration of the present application is respectfully requested.

II. REJECTION OF CLAIMS 19, 20, 22-32 AND 34-38

Claims 19, 20, 22-32 and 34-38 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,330,365 to Yasuda et al. (hereafter: "Yasuda") in view of U.S. Patent Publication No. 2006/0093315 to Kelly et al. (hereafter: "Kelly"). This rejection is respectfully traversed for at least the following reasons.¹

Claim 19 recites a data processor including *inter alia*: (1) a detecting section for determining whether or not the identification information between the first and second streams is included in a unit that is going to be decoded by the decoding section, wherein the decoding section does not output the data in the unit that is going to be decoded and starts to decode the next unit if the detecting section has detected the identification information; and (2) wherein the first and second streams are transport streams.

Yasuda describes extracting bitstream fragments 20 to obtain a bitstream of

¹ Applicants would like to clarify the current claim status. Namely, claims 1-18, 21 and 33 had been previously canceled leaving claims 19, 20, 22-32 and 34-38 as pending. The Office Action Summary and current rejection identify canceled claim 21 as still pending.

digital moving pictures, i.e., the elementary bitstream 1001 as shown in Figs. 1B-1C. Yasuda further describes parsing each bitstream fragment and adding dummy data 10a immediately before the header of the specified picture, i.e., I-picture (see col. 9, lines 5-7).

The examiner has asserted that the bitstream fragments 20 and 21 describe first and second streams. However, as conceded by the examiner, Yasuda fails to disclose that the first and second streams are transport streams. Kelly has been cited to cure the deficient teachings of Yasuda.

With reference to the patent publication 7,574,102 of Patent Publication No. 2006/0093315, Kelly describes a transport stream including first and second programs. The examiner has asserted that it would have been obvious at the time of the invention to combine Yasuda with the teachings of Kelly, and that the motivation to combine would have been to allow insertion of dummy data so that the two separate streams could be identified at the transport level of streams.

First, the applicants disagree with the examiner's alleged motivation. The intended purpose of Yasuda is to provide a decoding method in which a normal decoding operation can be performed at trick play, such as fast forward play and fast reverse play (see col. 4, lines 10-14). Accordingly, the dummy data is added at the elementary level before the header of the specified picture, i.e., I-picture (see col. 9, lines 5-7). The I-pictures are decoded to be displayed (see col. 2, lines 54-55). Therefore, it would not be logical to have the two separate streams identified at the transport level of streams since the pictures are displayed by decoding the elementary streams.

Secondly, because the bitstream fragments are combined at the elementary stream level so that the I-pictures can be displayed, it would render Yasuda inoperable for its intended purpose if it was modified so that dummy data was added to transport streams. If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to

make the proposed modification. See *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). See MPEP 2143.01 V.

Yasuda does not describe providing trickplay by parsing streams at a transport stream level. Moreover, it would be difficult to achieve such at the transport stream level because the picture headers are not conventionally obtained until the stream has been decoded down to the elementary stream level as shown in, for example, Figs. 4A-4C of the present application and Figs. 1A-1C of Yasuda.

Therefore, absent hindsight knowledge of the present invention, one skilled in the art would have no reason to modify Yasuda in view of Kelly to add the dummy packets to a transport stream, because such a modification would render Yasuda unable to perform the intended purpose of providing trickplay without occurrence of errors.

Therefore, because the combination of Yasuda and Kelly fails to teach or suggest (1) a detecting section for determining whether or not the identification information between the first and second streams is included in a unit that is going to be decoded by the decoding section, wherein the decoding section does not output the data in the unit that is going to be decoded and starts to decode the next unit if the detecting section has detected the identification information; and (2) wherein the first and second streams are transport streams, and because modifying Yasuda so that the dummy data was added at the transport stream level would render Yasuda unable to perform the intended purpose of providing trickplay without occurrence of errors, the rejection of claim 19 under 35 U.S.C. 103(a) should be withdrawn.

Claims 20 and 23-24 depend from claim 19. Therefore, the rejection of claims 20 and 23-24 should be withdrawn for the above-mentioned reasons with respect to claim 19.

Claim 22 recites *inter alia* (3) that a unit in the beginning of the second stream is not a frame header. As conceded by the examiner, Yasuda does not disclose a unit in the beginning of the second stream is not a frame header. Kelly has been

cited in order to cure the deficient teachings of Yasuda.

The examiner has pointed to Fig. 7 of Kelly as disclosing a unit in the beginning of the second stream is not a frame header. Fig. 7 merely shows the format of a transport stream. In the contrary, Kelly explicitly states on, for example, col. 14, line 60 "...the second stream will always start with an I-frame", and in col. 17, lines 41-42, Kelly explicitly states "...the second stream begins playing at point Y, which is the start of the GOP.

Moreover, Yasuda *teaches away* from a unit in the beginning of the second stream is not a frame header. A *prima facie* case of obviousness may also be rebutted by showing that the art, in any material respect, teaches away from the claimed invention. *In re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997). Particularly, as discussed above, Yasuda describes parsing each bitstream fragment and adding dummy data 10a immediately before the header of the specified picture, i.e., I-picture (see col. 9, lines 5-7). That is, the beginning of each stream is a header so that it can be decoded to obtain the corresponding picture. Therefore, assuming *arguendo* that Kelly teaches unit in the beginning of the second stream is not a frame header (which applicants strongly dispute), one skilled in the art would not be motivated to modify Yasuda so that a unit in the beginning of the second stream is not a frame header because Yasuda *teaches away* from such a modification.

Therefore, because both Kelly and Yasuda explicitly state that the beginning of the second stream is a frame header, and because Yasuda teaches away from modifying a unit in the beginning of the second stream so that it is not a frame header, the rejection of claim 22 should be withdrawn.

Claim 25 also recites *inter alia*: (1) determining whether or not the identification information between the first and second streams is included in a unit that is going to be decoded by the decoding section, and starting to decode the next unit without outputting the data in the unit that is going to be decoded if the detecting section has

detected the identification information; (2) wherein the first and second streams are transport streams.

As discussed above, the combination of Yasuda in Kelly fails to teach or suggest limitations (1) and (2). Accordingly, the rejection of claim 25 under 35 U.S.C. 103(a) should be withdrawn.

Claims 26-28 depend from claim 25. Therefore, the rejection of claims 26-28 should be withdrawn for the above-mentioned reasons with respect to claim 25.

Claim 29 recites *inter alia* the beginning of the second stream is not a header frame, similarly to claim 22. Accordingly, the rejection of claim 29 should be withdrawn for the above-mentioned reasons with respect to claim 22.

Claim 30 also recites a data processor including *inter alia*: (1) a detecting section for determining whether or not the identification information is included in one of the number of units, wherein if the detecting section has detected the identification information, the decoding section does not output the decoded data associated with the one of the number of units and starts to decode the next unit, and (2) wherein the first and second streams are transport streams.

As discussed above, the combination of Yasuda in Kelly fails to teach or suggest limitations (1) and (2). Accordingly, the rejection of claim 30 under 35 U.S.C. 103(a) should be withdrawn.

Claim 31 recites *inter alia* (4) the first and second streams are split at a portion of a unit. Yasuda, particularly Figs. 6A-6B, has been cited as describing this limitation. However, Figs. 6A-6B merely show a block 800 which is a portion of a picture. Assuming *arguendo* that the picture is a frame which is portion of a stream, Figs. 6A-6B fail to show first and second streams which are each split at a portion of a unit. Accordingly, the rejection of claim 31 under 35 U.S.C. 103(a) should be withdrawn.

Claims 32 and 35 depend from claim 31. Therefore, the rejection of claims 32 and 35 should be withdrawn for the above-mentioned reasons with respect to claim 31.

Claim 34 recites (4) that the beginning of the second stream is not start of an I-frame header. Kelly was cited in the office action as disclosing this feature. However, as discussed above, Kelly explicitly states on, for example, col. 14, line 60 "...the second stream will always start with an I-frame." Further, Yasuda teaches away from modifying a unit in the beginning of the second stream so that it is not a frame header. Accordingly, the rejection of claim 34 under 35 U.S.C. 103(a) should be withdrawn.

Claim 36 recites (5) that the decoding section does not output an incomplete data if the detecting section has detected the identification information...when a unit of the beginning of the second stream is incomplete. Yasuda has been cited as disclosing the limitations of claim 36. However, Yasuda, at best, merely shows an incomplete unit at the end of the first stream. Yasuda fails to teach or suggest an incomplete unit at the beginning of the second stream. Accordingly, the rejection of claim 36 under 35 U.S.C. 103(a) should be withdrawn.

Claim 37 recites (4) that the incomplete data is not a portion of an I-frame picture data. Yasuda has been cited as teaching this limitation. However, as discussed above, Yasuda fail to even teach that a unit in the beginning of the second stream is incomplete. Moreover, as conceded by the examiner with regards to claims 22, 29 and 34, Yasuda fails to disclose that a unit in the beginning of the second stream is not a frame header. Accordingly, the rejection of claim 38 under 35 U.S.C. 103(a) should be withdrawn.

Claim 38 recites a data processor including *inter alia*: (1) a detecting section for determining whether or not the identification information is included in a unit that is going to be decoded by the decoding section, wherein if the detecting section has detected the identification information, the decoding section does not output the data in the unit that is going to be decoded and starts to decode the next unit, and (3) wherein a beginning of the second stream is not an I-frame picture header.

As discussed above, the combination of Yasuda and Kelly fails to teach or suggest limitation (1) and (3). Accordingly, the rejection of claim 38 should be withdrawn.

III. CONCLUSION

Accordingly, all claims 19, 20, 22-32 and 34-38 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

/Mark D. Saralino/
Mark D. Saralino
Reg. No. 34,243

DATE: October 21, 2010

The Keith Building
1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113